

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

MARION GOVAN,

Plaintiff,

v.

KENNETH PETER, Deputy Warden,  
et al.,

Defendants.

Case No. 2:20-cv-01656-ACA-HNJ

**MEMORANDUM OPINION**

On November 20, 2020, the magistrate judge granted *pro se* plaintiff Marion Govan's application to proceed *in forma pauperis* and ordered him to return a signed Prisoner Consent Form and pay an initial partial filing fee of \$3.00 within 30 days. (Doc. 7). Mr. Govan returned a signed Prisoner Consent Form (doc. 10), but he failed to pay his initial partial filing fee.

The magistrate judge again ordered Mr. Govan to pay his initial partial filing fee within 15 days. (Doc. 11). Mr. Govan did not respond to that order. Therefore, on January 28, 2021, the magistrate judge entered a report and recommendation, recommending that the court dismiss this action for failure to prosecute. (Doc. 13). The magistrate judge advised Mr. Govan of his right to object to the report and recommendation within 14 days. (*Id.* at 2–3). To date, the court has not received any objections to the report and recommendation.

Accordingly, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation. The court **WILL DISMISS** this action **WITHOUT PREJUDICE** for failure to prosecute.

The court will enter a separate final order consistent with this opinion.

**DONE** and **ORDERED** this February 25, 2021.

A handwritten signature in black ink, appearing to read 'Annemarie', is positioned above a horizontal line.

**ANNEMARIE CARNEY AXON**  
**UNITED STATES DISTRICT JUDGE**